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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,361	05/01/2001	Satoru Nakai	401172	2611
23548	7590	01/12/2005	EXAMINER	
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			PHAM, THOMAS K	
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/845,361

Applicant(s)

NAKAI ET AL.

Examiner

Thomas K Pham

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 3 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. This action is in response to request for re-consideration filed on 10/06/2004.
2. Claims 3 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
3. Claims 1-2, 4-12 and 14-16 have been considered but they are not persuasive.

**Quotations of U.S. Code Title 35**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2121

**Claim Rejections - 35 USC § 103**

6. Claims 1-2, 4-12, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent no. 5,623,592 ("Carlson") in view U.S. Patent No. 4,796,179 ("Lehman").

**Regarding claim 1**

Carlson teaches a system comprising: a controller (fig. 1, element 116); a monitor connected with said controller (fig. 1, element 118); at least one object to be controlled, said object connected with said controller (fig. 1, elements 104, 106, 108 and 110); development means for developing a program for said object (cot. 7 lines 26-45, "a user first ... the selected instrument."); implementing means for implementing the program developed by said development means (col. 12 lines 47-51; "computer 102 sends ... the icon sequence.") but does not specifically teach a software module uniquely assigned to said object, wherein the software module is automatically linked to the development means based on information stored on the object, said software module providing at least one of a description procedure used in said development means for describing a control process for said object. However, Lehman teaches an automatic computer software code generator for generating a set of software modules that contains information uniquely assigned to a control system (col. 3 lines 1-8, "The code generator of the ... functional block is executed"), wherein the software module is automatically linked to the development means based on information stored on the object (cot. 3 lines 24-29, "A linking software module ... repetition rate and skew"), the software module providing at least one of a functional description 28 (description procedure) used in the development means for describing a control process for the object (col. 5 lines 3-12, "The functional description 28 . . by the control system") for the purpose of defining a set of computations which are to be performs by the

Art Unit: 2121

control system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the code generator system of Lehman with the system of Carlson because it would provide for the purpose of defining a set of computations which are to be performed by the control system.

**Regarding claim 2**

Lehman teaches the development means acquires a unique RatelID for each subsystem (device) and the software module uses this unique identifier to identify the subsystem (col. 19 line 61 to col. 20 line 32, "The RatelID parameter for ... in the URIT table 106").

**Regarding claim 4**

Lehman teaches the software module is stored within a database server connected with said development means through a communication bus so that said development means acquires said software module from the database server (col. 5 lines 3-12, "The functional description 28 ... by the control system").

**Regarding claim 5**

Carlson teaches the development means provides a display area on the monitor, in which at least one icon is displayed, the icon representing one of said object connected to said controller and an object to be connected to said controller (col. 7 lines 11-15, "Once a copy ... must be established."). Regarding claim 6 Carlson teaches the icon procedure displays a plurality of icons in the display area on said monitor, each icon illustrating current status of the object (col. 8 lines 31-35, "the controls in ... types of instruments.").

Art Unit: 2121

**Regarding claim 7**

Carlson teaches the development means provides a development area on said monitor, and a user copies the icon from the display area onto the development area, thereby developing the program (cot. 6 lines 57-64, "To begin the ... design region 206.").

**Regarding claim 8**

Lehman teaches when the software module provides the description procedure, the user utilizes the description procedure for describing a control process for said object determining operation of said object, thereby developing the program (cot.- 3 lines 9-23, "The user-provides ... computational skew periods").

**Regarding claim 9**

Carlson teaches the icon procedure displays a plurality of icons in the display area on the monitor, each icon illustrating operation of said object (cot. 12 lines 33-41, "Each icon on ... specified instruments.")

**Regarding claim 10**

Carlson teaches the user connect s a plurality of the icons with each other to form a flowchart in the development area, thereby developing the program (cot. 13 lines 23-30, "Assuming a left-to-right ... operation icon MCI").

**Regarding claim 11**

Carlson teaches the development means displays the icons in the display area, and simulates operation of said object while execution of the program is simulated, whereby the monitor is used for displaying simulation of said object (cot. 6 lines 9-16, "a computer may ... a textual indicators.").

Art Unit: 2121

**Regarding claim 12**

Carlson teaches the development means displays the icons in the display area, illustrates the operation of said object while said implementing means implements the program, whereby the monitor is used for displaying operation of said object (col. 12 lines 47-51, "computer 102 sends the icon sequence."). Regarding claim 15 Carlson teaches a storage medium storing a computer program for execution on a system which comprises a controller (fig. 1, element 116), a monitor connected to the controller (fig. 1, element I 18), at least one object to be controlled, the object being connected to the controller (fig. 1, elements 104, 106, 108 and 110), development means for developing a program for the controlled object (col. 7 lines 26-45, "a user first ... the selected instrument."), implementing means for implementing the program developed by the development means (col. 12 lines 47-51, "computer 102 sends . . the icon sequence."), an icon procedure for displaying an icon for said object in a display area on the monitor (col. 2 lines 52-56, "The instructions include ... specifies the series of operations"), an implementing procedure for implementing the control process developed for the object (col. 2 lines 56-59, "The instructions also include ... to perform the series of operations"), the development means provides a display area on the monitor, at least one icon is displayed, the icon representing one of the object connected to the controller and an object to be connected to the controller (col. 7 lines 11-15, "Once a copy ... must be established."); the development means provides a development area on the monitor (col. 6 lines 21-31, "Referring now to FIG. 2 ... by the user."); and the icon is copied from the display area onto the development area, thereby developing an application program (col. 6 lines 36-40, "A user designs ... experimental flow") but does not teach a software module uniquely assigned to said object, wherein the software module is automatically linked to the

Art Unit: 2121

development means based on information stored on the object, the software module including a description procedure for describing a control process for the object, the development means acquires a global unique ID from the device and identifies the software module with the global unique ID. However, Lehman teaches an automatic computer software code generator for generating a set of software modules that contains information uniquely assigned to a control system (col. 3 lines 1-8, "The code generator of the ... functional block is executed"), wherein the software module is automatically linked to the development means based on information stored on the object (col. 3 lines 24-29, "A linking software module ... repetition rate and skew"), the development means acquires a unique RateID for each subsystem (device) and the software module uses this unique identifier to identify the subsystem (col. 19 line 61 to col. 20 line 32, "The RateID parameter for .. in the URIT table 106"), the software module providing at least one of a functional description 28 (description procedure) used in the development means for describing a control process for the object (col. 5 lines 3-12, "The functional description 28 ... by the control system") for the purpose of defining a set of computations which are to be performed by the control system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the code generator system of Lehman with the system of Carlson because it would provide for the purpose of defining a set of computations which are to be performed by the control system.

**Regarding claim 16**

Carlson teaches the software module further providing an icon procedure for displaying an icon for said object in a display area on said monitor (col. 2 lines 52-56, "The instructions include ... specifies the series of operations").



Art Unit: 2121

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carlson in view of Lehman and further in view of U. S. Patent no. 6,279,049 ("Kang")

**Regarding claim 14**

Carlson and Lehman teach the system for developing an application system with the object connected to a controller through an interface but do not teach the interface including at least one of a Plug and Play function and a Hot Plug function. However, Kang teaches a Universal Serial Bus (USB) and/or the IEEE1394 interfaces are capable of having hot plug-and-play functions (col. 4 lines 11-15, "Namely, the USB ... a monitor relevance.") for the purpose of overcoming the limitation in which the connectors of the peripheral equipments are in different shapes need to be fit before using. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the USB or IEEE 1394 interface of Kang with the system of Carlson and Lehman because it would provide for the purpose of overcoming the limitation in which the connectors of the peripheral equipments are in different shapes need to be fit before using.

***Response to Arguments***

In the remark the applicant argues that cited reference fails to disclose:

- I) "wherein the software module is automatically linked to the development means based on information stored on the object" as to claim 1.
- II) "object includes at least one device from which said development means acquires a globally unique ID" as to claim 2.

Art Unit: 2121

In response to applicant's argument,

I) Prior art Lehman (4,796,179) teaches column 10 lines 46-61 as follow:

" The data in the catalog is processed by a software module 52 called a linker because it traces the connections between the functional blocks in the catalog and generates data structures which represent those connections. In fact, though, the linker 52 first organizes the functional description into subsystems. Each subsystem includes all the computations to be performed at a particular sample rate and skew, or which are triggered by the same trigger condition. Then the linker 52 generates data structures representing the links between each of the subsystems in addition to the links between functional blocks within each subsystem.

Finally, the linker 52 determines the best order of computation for each subsystem's computations and stores a representation of this computational order in an array called OBIV (ordered block index vector)."

The linker of Lehman automatically determines the best order to link the functional blocks based on the information stored in the subsystem, i.e. all the computations to be performed at a particular sample rate and skew. Therefore, limitations are met by the reference.

II) Prior art Lehman also teaches column 7 line 65 to column 8 line 6:

" Superblock. Aggregates of blocks are hereinafter called "superblocks". Superblocks are important for several reasons. First, they provide a mechanism for breaking down a complex control system into manageable pieces. Since one superblock can contain other superblocks, a hierarchical functional description can be used. See FIG. 7a. Second, each superblock is given a computation rate and skew or trigger condition. Thus superblocks are the basic computational unit for which a rate and skew or trigger condition are specified."

The superblock of Lehman represents a basic computational unit for breaking down into pieces of a complex control system. One of ordinary skill in the art would recognize that a "superblock" is an object or a device of a complex control system. Furthermore, Lehman teaches column 18 lines 25-30:

" The Level parameter is set equal to the current superblock Level. Note that the top level superblock has a Level equal to one, and that the Level parameter indicates the depth of the current superblock in the superblock hierarchy.

The Block# parameter in the SBRM is set equal to the BlockID of the current superblock in its parent superblock. For the top level superblock, the BlockID is zero. Otherwise, the combination of the Level and Block# parameters in the SBRM uniquely identify each use of each superblock in the control system."

Lehman discussed an ID which recognized throughout the control system uniquely identified each superblock. The globally recognized ID is the combination of the Level and the Block number. Therefore, Lehman teaches the object includes at least one device (superblock) from which said development means acquires a globally unique ID limitations.

Art Unit: 2121

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday to Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Thomas Pham**  
*Patent Examiner*

TP

January 10, 2005

  
**Anthony Knight**  
**Supervisory Patent Examiner**  
**Group 3600**